

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 20-175
)	
DEVIN MONTGOMERY)	

**GOVERNMENT’S RESPONSE TO DEFENDANT’S PRO SE
SUPPLEMENTAL BRIEFS IN SUPPORT OF
MOTION TO DISMISS COUNT ONE OF SECOND SUPERSEDING INDICTMENT**

AND NOW comes the United States of America, by its attorneys, Cindy K. Chung, United States Attorney for the Western District of Pennsylvania, and Shaun E. Sweeney, Assistant United States Attorney for said district, responding as follows:

On or about July 25, 2022, defendant submitted correspondence to the Court wherein he makes arguments in support of his request for the Court to dismiss Count One of the Second Superseding Indictment. See Doc. No. 263. During the hearing on August 2, 2022, the Court granted the defendant’s request to proceed pro se, and further ruled that the defendant’s submission at Doc. No. 263 should be treated by the government as a supplemental pleading in support of defendant’s prior filings seeking dismissal of Count One.

By Order dated August 3, 2022, the Court directed that any additional supplemental pleadings in support of the request for dismissal of Count One must be filed by the defendant within fourteen (14) days of the date of that Order.

On August 10, 2022, the defendant filed a pleading titled “Supplemental Brief to Document 236 Pursuant to Court Order Dated August 3, 2022” (Doc. No. 277). In that pleading, the defendant makes several new arguments in support of the request for dismissal of Count One.

The government is hereby responding to the defendant's pro se supplemental briefs filed at Doc. Nos. 263 and 277. The government's response is to hereby incorporate the government's prior responses filed at Doc. Nos. 210, 228, 241 and 256.

Wherefore, based on the foregoing, the defendant's Motion to Dismiss Count One of the Second Superseding Indictment should be denied.

Respectfully submitted,

CINDY K. CHUNG
United States Attorney

/s/ Shaun E. Sweeney
SHAUN E. SWEENEY
Assistant United States Attorney
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